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**OFFICE OF PETITIONS**

In re Application of  
Patrick W. Breslin et al.  
Application No. 09/884,706  
Filed: June 19, 2001  
Attorney Docket No.: 12521-009

**ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b)<sup>1</sup>, filed October 9, 2007, to revive the above-identified application.

The petition is **GRANTED**.

An amendment and three month extension of time were filed November 13, 2006 in response to a Final Office Action mailed May 12, 2006. In response thereof, an Advisory Action noted that the response filed did not place the application in condition for allowance. Thus, since the extendable period for reply had lapsed, the application became abandoned and a Notice of Abandonment was mailed February 14, 2007.

The present petition under 37 CFR 1.137(b) is accompanied by a revised amendment.

The Examiner has determined that the amendment filed with the present petition places the application in condition for allowance.

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<sup>1</sup>Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

Petitioners are advised also that the fee for a petition to revive has been increased to \$1540 effective September 30, 2007 thus, petitioner's deposit account no. 50-3289 has been charged in the amount of the deficiency in the amount submitted by check.

The matter is being referred to Technology Center 3676.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball  
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Office of Petitions